

## LOCAL DIVERSION FISH SCREENS

Fish Screens are a significant component of the CVPIA, Category III and CALFED Ecosystem Restoration programs. Endangered Species Act concerns provide both an incentive and disincentive for diverters to screen. Coordinated CALFED agency policy could provide sufficient momentum to overcome existing inertia.

There appears to be three issues which are interrelated, which need policy level attention. These are 1) Design and performance criteria, 2) Assurances or shelf-life and, 3) Cost-sharing formula.

- A. Is it appropriate or necessary for the CALFED agencies to adopt a single set of fish screen criteria or performance measures which would vary only by location in the system or species involved?**

Potential positive results include: Certainty of design, increased ability to access benefits, reduced need to negotiate with diverters, reduced time to obtain permits, enhanced ability to provide assurances and a means to tie the cost sharing to performance.

Potential negative results include: increased costs, less flexibility to deal with site specific or agency specific needs, reduced private funding for alternative technology, the need to develop the criteria in a public forum and debate over the criteria.

- B. Is it desirable and do the CALFED agencies have the authority to offer assurances that a fish screen, constructed and operated to a given set of criteria, will satisfy the requirements of the ESA and CESA for a reasonable period of time?**

Potential positive results include: increased protection for all fish species, increased local participation in fish screening efforts, reduced need for enforcement actions, reduced criticism of the regulatory process, increased confidence in the CALFED effort.

Potential negative results include: Near term risks to new listed species (e.g. sturgeon), increased agency workload, a potential need for additional authorities under state or federal law, a potential reduction in agency independent authority.

- C. Should the CALFED agencies establish a policy for state and federal cost sharing of fish screens?**

Potential positive results: The policy could reduce the degree of shopping for the best deal, could provide budgeting certainty, could provide for broader funding, could provide a means to secure operation and maintenance funding from diverters, could expedite installation of screens, could be used as a means to encourage compliance with performance criteria and the nexus for assurances.

Potential negative results: the policy could increase costs for underfunded agencies, could require the development of priorities for allocation of funds which may favor certain diversions, existing limitations in CVPIA (up to 50%) and state law could conflict.